

that a certain beverage, to wit, an artificially carbonated wine, had been substituted in part for the articles of food aforesaid. Misbranding of the products was alleged for the reason that each of the bottles filled with the articles of food aforesaid bore, respectively, the labels in words and figures as set forth above, which said labels borne on the bottles aforesaid were false and misleading in that said labels aforesaid purported to state that the articles of food, to wit, the liquors or beverages, were, respectively, genuine California sparkling moselle wine, genuine California sparkling sauternes [sauterne] wine, and genuine California sparkling burgundy wine, whereas, in truth and in fact, the articles of food aforesaid, to wit, the liquors or beverages aforesaid, were not, respectively, genuine California sparkling moselle wine, genuine California sparkling sauternes [sauterne] wine, and genuine California sparkling burgundy wine, but were, respectively, artificially carbonated California moselle wine, artificially carbonated California sauternes [sauterne] wine, and artificially carbonated California burgundy wine. Misbranding was alleged for the further reason that said labels deceived and misled the purchaser into the belief that the articles of food aforesaid were, respectively, genuine bottle-fermented California sparkling moselle wine, genuine bottle-fermented California sparkling sauternes [sauterne] wine, and genuine bottle-fermented California sparkling burgundy wine, whereas, in truth and in fact, the articles of food aforesaid were not, respectively, bottle-fermented California sparkling moselle wine, bottle-fermented California sparkling sauternes [sauterne] wine, and bottle-fermented California sparkling burgundy wine, but were, respectively, artificially carbonated California sauternes [sauterne] wine, and artificially carbonated California burgundy wine. Misbranding was alleged for the further reason that said labels were false and misleading, in that the labels aforesaid purported to state that the articles of food aforesaid were, respectively, genuine California sparkling moselle wine, genuine California sparkling sauternes [sauterne] wine, and genuine California sparkling burgundy wine, whereas, in truth and in fact, the articles of food aforesaid, to wit, the liquors or beverages aforesaid, were not, respectively, genuine bottle-fermented California sparkling moselle wine, genuine bottle-fermented California sparkling sauternes [sauterne] wine, and genuine bottle-fermented California sparkling burgundy wine, but were, respectively, artificially carbonated California sparkling moselle wine, artificially carbonated California sparkling sauternes [sauterne] wine, and artificially carbonated California sparkling burgundy wine, and were offered for sale under the distinctive names of other articles of food, to wit, respectively, California sparkling moselle, California sparkling sauternes [sauterne], and California sparkling burgundy.

On June 9, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the words "Sparkling Moselle Type" and "Pure California Sparkling Moselle"; the words "Sparkling Sauternes Type" and "Pure California Sparkling Sauternes"; and the words "Sparkling Burgundy Type" and "Pure California Sparkling Burgundy" should be obliterated from the labels aforesaid, and in lieu thereof that there should be printed and placed upon each of the bottles of moselle and sauterne a label or labels of suitable size containing the words "Artificially Carbonated California White Wine," and upon each of the bottles of burgundy a label or labels of suitable size containing the words "Artificially Carbonated California Red Wine," and that the product should be sold by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

**3454. Adulteration and misbranding of lemon flavor. U. S. v. One Keg \* \* \* Purporting to be Terpeneless Lemon Flavor. Default decree of condemnation and forfeiture. Product ordered sold.** (F. & D. No. 5467. I. S. No. 4452-h. S. No. 2040.)

On December 9, 1913, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel for the seizure and condemnation of 1 keg containing 25

gallons of a product purporting to be terpeneless lemon flavor, remaining unsold in the original unbroken package at Indianapolis, Ind., alleging that the product had been transported from the State of Illinois into the State of Indiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Superlative Brand Food Flavors and Colors. Soluble Terpeneless Lemon Flavor. To gallon cold syrup add 1 ounce Lemon Flavor, 1 ounce Acid Solution, 1 ounce Sparkling Foam. Mix thoroughly and strain. Manufactured for N. Loewenstein & Co., 155 N. Clark St., Chicago, Ill. Guaranteed by N. Loewenstein & Co. under the Food and Drugs Act, June 30, 1906. Serial No. 36597."

Adulteration of the product was alleged in the libel for the reason that a dilute terpeneless lemon flavor had been mixed and packed with said product and substituted for said product so as to reduce, lower, and injuriously affect its quality and strength. Misbranding was alleged for the reason that the statements on the marks, brands, and labels on the keg as to the ingredients and substances contained in the product packed in said keg, purporting to be terpeneless lemon flavor, were false and misleading, in that, in truth and in fact, said product, purporting to be terpeneless lemon flavor, was not a terpeneless lemon flavor, but a dilute terpeneless lemon flavor which had been mixed with and packed with and substituted for terpeneless lemon flavor, and the statements contained on said marks, brands, and labels aforesaid were calculated to deceive and mislead the purchaser thereof.

On February 27, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal, but that before making such sale he should remove and obliterate all marks, brands, and figures thereon indicating the substances contained in said keg, and should rebrand the same by placing thereon "Dilute Terpeneless Lemon Flavor."

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

**3455. Adulteration of tomato pulp. U. S. v. 200 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 5439. I. S. No. 2976-h. S. No. 2052.)

On December 17, 1913, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 cases, each containing 4 dozen cans of tomato pulp, remaining unsold in the original unbroken packages at Beaumont, Tex., alleging that the product had been transported from the State of Maryland into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "Net weight on labels. J. Langrall and Bro. Packers of the (picture of Indian chief) 4 dozen No. 1 cans Maryland Chief Brand Tomato Pulp, Baltimore, Md." (Stencil on side:) "Reed, Beaumont, Texas." Each of the cans was labeled: "Maryland Chief Brand Tomato Pulp made from pieces and trimmings of tomatoes Packed by J. Langrall & Bro., Inc., Baltimore, Md. Maryland Chief Brand (picture of Indian chief) Trade Mark Registered 1878, Contents 11 oz."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of filthy, decomposed and [or] putrid vegetable substance unfit for food; that is to say, tomatoes containing an excessive number of bacteria, yeasts and spores and moldy fragments of the product partially decomposed.

On April 9, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*